

EXHIBIT “A”

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November 2, 2005

Timothy Hogan, Esq.
Lynch, Ichida, Thompson, Kim & Hirota
First Hawaiian Tower #1405
Honolulu, Hawaii 96813

Re: Berry vs. HEX, et al.

Dear Mr. Hogan:

Pursuant to your request that we provide a privilege log, the following are the files that I removed from the more than 150,000 computer files that you alleged were relevant to this case. In the course of searching for privileged material, I learned that you requested massive amounts of irrelevant information, falsely claiming it was relevant. In previous correspondence, I cited a few of the more extreme examples of irrelevant material you had requested, such as Mr. Dillon's research regarding breastfeeding.

I note that your current filings admit that it is a time consuming and burdensome task to attempt to search through all of this irrelevant information that you designated. We reserve the right to seek sanctions for the time wasted on this effort.

Very truly yours,

LEX R. SMITH
for
KOBAYASHI, SUGITA & GODA

cc: all counsel of record

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Files removed from the "Before" Disk

Filename	Size
Compliance with Lawsuit Decision.dbx	11938516
Illustration of Code Referred to by Experts.doc	62464
Key to Documentation 2.doc	99840
Key to Documentation.doc	29184
Key to Documentation1.doc	80384
Key to Documentation2.doc	81920
Key to Documentation3.doc	95744
Lawsuit.dbx	2632404
Lawsuit1.dbx	7285460
Response to 051303 Hogan Letter.txt	2870
Response to Allegation re Kroll Report - Signed and Faxed to Lex Smith.doc	26624
Response to Allegation re Kroll Report.doc	29184
Response to Berry Declaration.doc	36864
Response to Berry Declaration.doc (2).lnk	451
Response to Berry Declaration.doc.LNK	395
Response to Berry Declaration1.doc.lnk	451
Response to Berry Oppositi	102400
Response to Berry Opposition to Summary Judgement 3.doc	102400
Response to Berry Opposition to Summary Judgement 31.doc	102400
Response to Berry Opposition to Summary Judgement 4.doc	108544
Reverting to Original.dbx Archived/File	142036
Update Program Code Sequence Identical to that of EDI File.doc	44544
Update Program Code Sequence Identical to that of EDI File1.doc	40960
Update Program Code Sequence Identical to that of EDI File2.doc	44544
Update Program Code Sequence Identical to that of EDI File3.doc	44544

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Files Removed from "After" Disk Drive

Filename	Size
11. Key to these Documents .doc	28160
11. Key to these Documents.doc	31744
110. Key to these Documents.doc	39936
111. Key to these Documents.doc	31744
112. Key to these Documents.doc	28160
113. Key to these Documents.doc	33792
114. Key to these Documents.doc	105984
12. Key to these Documents .doc	28160
12. Key to these Documents.doc	28160
13. Key to these Documents.doc	33792
14. Key to these Documents.doc	105984
15. Key to these Documents.doc	33280
16. Key to these Documents.doc	31744
17. Key to these Documents.doc	28160
18. Key to these Documents.doc	39936
19. Key to these Documents.doc	110592
Compliance with Lawsuit Decision.dbx	11938516
Compliance with Lawsuit Decision1.dbx	11938516
Compliance with Lawsuit Decision2.dbx	11938516
Illustration of Code Referred to by Experts.doc	62464
Key to Documentation 2.doc	99840
Key to Documentation.doc	29184
Key to Documentation1.doc	80384
Key to Documentation2.doc	81920
Key to Documentation3.doc	95744
microsoft1.public.windowsnt.print.dbx	125168
Response to 051303 Hogan Letter.txt	2870
ResponsetoAllegationreKrollReport - Signed and Faxed to Lex Smith.doc	26624
Response to Allegation re Kroll Report.doc	29184
Response to Berry Declaration.doc	36864
Response to Berry Opposition to Summary Judgement 3.doc	102400
Response to Berry Opposition to Summary Judgement 4.doc	108544
Reverting to Original.dbx	142036
Reverting to Original1.dbx	142036
Update Program Code Sequence Identical to that of EDI File.doc	40960
Update Program Code Sequence Identical to that of EDI File1.doc	44544
Update Program Code Sequence Identical to that of EDI File2.doc	44544